

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------------------------------------------------------|----------------------------------|
| In re Application of: <i>Bennett et al.</i>                 | ) Art Unit: 2654                 |
|                                                             | )                                |
| Serial No.: 10/684,357                                      | ) Examiner: <i>Martin Lerner</i> |
|                                                             | )                                |
| <i>Filed: October 10, 2003</i>                              | )                                |
|                                                             | )                                |
| For: <i>Distributed real time speech recognition system</i> | )                                |

CITATION OF MATERIALS  
PURSUANT TO 37 CFR 1.97, MPEP 2001.06 AND 37 C.F.R. 1.56

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.97 and in compliance with 37 C.F.R. 1.56, the Applicant hereby submits the present citation of materials disclosed by Defendants in the ongoing litigation captioned as *Phoenix Solutions, Inc. v. Wells Fargo Bank, N.A.*, No. CV-08-0863 pending in the Northern District of California as identified in the Notice of Concurrent Proceedings previously submitted. The materials include claim contentions against certain patents owned by the Applicant.

A copy of each document has been provided pursuant to 37 C.F.R. 1.98(a)(2) and tagged with a citation number that correlates with the enclosed 1449 form. Please note that the references mentioned in these claim contentions were already submitted in an earlier IDS dated October 21, 2008.

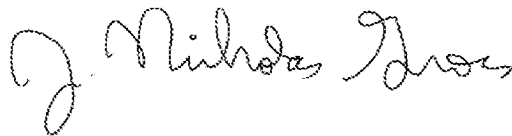
The above materials are submitted pursuant to 37 C.F.R. 1.97(c). Per the requirements of 1.97(e) Applicant states that they were not known more than three months ago since they were recently provided by representatives of the Defendants pursuant to their disclosure obligations under applicable Local Rules.

No representation or admission is made by Applicant that the attached materials indeed constitute prior art, and/or that they are material in any way to the present claims. They are being disclosed and provided solely to err on the side of caution in

complying with the duty of disclosure, and to ensure that the record includes all potentially relevant materials which was brought to the Applicant's attention during pendency of the present application.

The Examiner is requested to consider the references and initial each entry on the enclosed 1449 form. No fees are believed to be due; if the Office determines that the present submission does require some kind of payment, then please charge any petition fees to deposit account no. 501- 244.

Respectfully submitted,

A handwritten signature in cursive script, reading "J. Nicholas Gross".

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November 4, 2008  
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